

CITY OF DELTA, UTAH  
PLANNING & ZONING COMMISSION MEETING  
NOVEMBER 8, 2012

PRESENT

Vance Bishop  
Linda Beard  
Rand Crafts  
Alan Johnson  
Steven Pratt  
Linda Sorensen  
Roger Zeeman

Chairman  
Commission Member  
Commission Member  
Commission Member  
Commission Member  
Commission Member  
Commission Member

ABSENT

Tom Stephenson  
Alan Riding

City Council Representative  
Zoning Officer

ALSO PRESENT

Ken Clark  
Karen Johnson  
Todd Anderson  
Stephne Hanson  
Stan Robison  
Jim Robson  
Jim Dix

Assistant Zoning Officer  
Secretary  
City Attorney  
Department of Alcoholic Beverage Control  
City Resident  
Curley's Lounge  
Reptile Rescue Service

Chairman Vance Bishop called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building and on the Utah Public Notice website and had been provided to the Millard County Chronicle/Progress and to each member of the Planning & Zoning Commission at least two days prior to the meeting.

MINUTES

The minutes of a Planning & Zoning Commission Meeting held August 9, 2012, were presented for consideration and approval. Commission Member Alan Johnson MOVED to approve the minutes of the Planning & Zoning Commission Meeting held August 9, 2012, as presented. The motion was SECONDED by Commission Member Linda Beard. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Steven Pratt, Linda

Sorensen and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

The minutes of a Planning & Zoning Commission Public Hearing held October 11, 2012, were presented for consideration and approval. Commission Member Linda Beard MOVED to approve the minutes of the Planning & Zoning Commission Public Hearing held October 11, 2012, as presented. The motion was SECONDED by Commission Member Roger Zeeman. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Steven Pratt, Linda Sorensen and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

The minutes of a Planning & Zoning Commission Meeting held October 11, 2012, were presented for consideration and approval. Commission Member Steven Pratt MOVED to approve the minutes of the Planning & Zoning Commission Meeting held October 11, 2012, as presented. The motion was SECONDED by Commission Member Linda Sorensen. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Steven Pratt, Linda Sorensen and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

### BUSINESS

#### STEPHNE HANSON, UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL: INFORMATION ON STATE ALCOHOL PERMITTING FOR PROPOSED HORSESHOE TOURNAMENTS TO BE HELD AT APPROXIMATELY 50 NORTH 300 WEST

Stephne Hanson, of the Utah Department of Alcoholic Beverage Control, advised Commission Members that Mr. Robson would be required to apply for a Single Event Permit for his proposed horseshoe tournament. The application would require a floor plan for the area to be used, a plan to control minors from being in the alcohol service area, and will also require local consent before any permit is issued. If the local consent is not given, the permit will not be issued. Once the application has been approved and the permit is issued, it cannot be changed. Any change would require an amendment to the application and a return to the entire approval process. Some type of fencing or barrier would be required for the area. The decision as to whether public property is included in the area used for the event is a decision for the local jurisdiction. A single event alcohol permit is issued per event and allows sale of all alcohol products. A temporary beer license permits sale of beer only.

Chairman Bishop thanked Ms. Hanson for the information she had provided. Ms. Hanson offered to come back, if necessary, to provide any additional information Commissioners may request.

#### JAMES ROBSON, CURLEY'S LOUNGE: PROPOSED HORSESHOE TOURNAMENTS TO BE

HELD AT APPROXIMATELY 50 NORTH 300 WEST FROM 8:00 P.M. ON SATURDAY  
EVENING UNTIL NOON ON SUNDAY

Mr. Robson advised Commission Members that he had approached a number of individuals to determine whether they were in favor of his proposal to sponsor horseshoe tournaments and had received positive responses. He obtained signatures of most residents on the block where the tournaments will be held but was unable to contact anyone at the house immediately to the north of the proposed horseshoe pit. A renter just moved into that house and there was no one at home at the time Mr. Robson was there.

Commission Members asked about the lighting to be used for the tournaments. Mr. Robson said if holding horseshoe tournaments at night does not work, he will attempt to sponsor day time tournaments. Mr. Robson is unsure whether this idea will work but would like the opportunity to try.

Stephne Hanson, of the Department of Alcoholic Beverage Control, noted that Mr. Robson must monitor alcohol sales within the perimeter set up for the tournaments and must have a plan to keep minors out of the area. Mr. Robson stated that he will have barriers set up and he has a portable scanning device to check driver licenses.

Chairman Bishop suggested the possibility of allowing a one-time conditional use permit to allow Mr. Robson to hold a trial horseshoe tournament. He must return to Planning & Zoning to obtain a long term conditional use permit if he desires to hold more tournaments.

City Attorney Anderson asked whether Mr. Robson plans to keep his lounge open while the tournaments are in progress. Mr. Robson stated that the lounge would be closed at its regular time

Assistant Zoning Officer Ken Cark suggested that Mr. Robson have portable toilet facilities set up for the event. Mr. Robson said he could have four or five units set up on a trailer for use at the tournament. Mr. Robson noted that the trial tournament will probably not be held until spring, so there is adequate time to make arrangements for all facilities. Ms. Hanson advised Commission Members that she can come back again when Mr. Robson is ready to set up the tournament and work with the City to get permitting requirements in place.

City Attorney Anderson suggested the conditional use permit require that Delta City be notified as to when the event will happen. Ms. Hanson told Commission Members that the alcohol permitting process will need to begin approximately two months prior to the event.

Commission Member Steven Pratt MOVED to approve a one-time conditional use permit to allow James Robson to sponsor a horseshoe tournament to be held at approximately 50 North 300 West, beginning at 8:00 p.m. on Saturday evening and running until noon on Sunday, with the following conditions: 1) Adequate restroom facilities be available for patrons; 2) Adequate lighting is provided to meet Delta City lighting requirements for the parking lot and public areas; 3) Barriers be used to

designate event area; 4) Delta City staff have the discretion to determine when, where and how to close 50 North Street for the event; 5) No minors be allowed inside the area where alcohol is being served; 6) Adequate garbage containers be provided; 7) Entire area to be cleaned of all debris following the event and prior to businesses opening on Monday; 8) Delta City staff will be given thirty days notice to approve the date of the event; and 9) This one-time conditional use permit will expire if not used within one year from date of issue. The motion was SECONDED by Commission Member Alan Johnson. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Steven Pratt, Linda Sorensen and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

JAMES DIX, REPTILE RESCUE SERVICE: REQUEST FOR RENEWAL AND AMENDMENT OF CONDITIONAL USE PERMIT TO ALLOW REPTILE JIM'S REPTILE PARK TO BE OPEN TO THE PUBLIC

Chairman Bishop asked Assistant Zoning Officer Ken Clark if the emergency plan and animal shelter plan submitted by Mr. Dix were adequate. Assistant Zoning Officer Ken Clark responded that the plans were acceptable. Mr. Dix would like to open his business to the public in order to help fund the organization with admittance fees. Mr. Dix indicated that the animals are caged and the public is prohibited from touching the animals except they may touch the tail of an animal that is used for educational purposes.

Chairman Bishop asked Mr. Dix if he is requesting that he be approved to operate as a zoo or park. Mr. Dix said he still does reptile rescue but he would like to invite the public to view the animals at the facility and collect some revenue for the viewing. Chairman Bishop noted that, at the time of the original application for conditional use permit, there was considerable discussion regarding insurance. That requirement was waived when Mr. Dix indicated that the public would not be invited into the facility. Chairman Bishop asked City Attorney Anderson if there was concern regarding the need for insurance or indemnification if the facility is open to the public.

City Attorney Anderson advised Commission Members that a city has been sued because they knew there were exotic animals in the city. The city is charged with the responsibility of protecting the health, safety and welfare of the public so, if the Commission is asking whether the city would have some liability in allowing the facility to be open to the public and someone were to be injured or hurt, the answer is yes. Mr. Dix stated that he has never been required to have insurance in the past and all animals are caged except for one iguana that runs loose. The area where coyotes are kept has not been open to the public.

Commission Member Rand Crafts asked if the building has insurance. Mr. Dix is leasing the building and the building has fire insurance but probably does not have liability insurance which would protect the public. Commission Member Linda Sorensen asked Mr. Dix if he had any type of insurance. Mr. Dix responded that he does not have insurance. Mr. Dix was encouraged to look into

getting some liability insurance, even in a small amount such as \$25,000. Mr. Dix responded that, if he had a large number of people coming to the facility, he would see a need for insurance but, at this point, they may have one or two people come to the facility each week. Commission Member Steven Pratt advised Mr. Dix that the price of liability insurance varies from one company to another and suggested that he obtain prices from several companies. Commission Member Linda Sorensen asked City Attorney Anderson how liable the City would be in the event of an accident at Mr. Dix's business. City Attorney Anderson answered that, traditionally, the City would not have liability but now individuals are able to file suit against a governmental entity when exotic animals are involved in an incident.

Commission Member Rand Crafts stated that Commission Members may have had a lack of understanding of Mr. Dix's business because they assumed he would be operating in the same manner as he had been before moving to Delta. Commission Members felt that conditions of the conditional use permit must be very clear. City Attorney Anderson agreed that terms of the conditional use permit must state conditions so that nothing is left open to interpretation. Chairman Bishop noted that Mr. Dix is requesting approval to be open to the public and to charge admission.

Chairman Bishop noted that the conditional use permit for Mr. Dix was issued for one year and it is now time to renew the permit. In the initial permit, there were several requirements set forth for renewal. Commission Members can make the decision as to whether to renew the permit and, if so, for what period of time. Chairman Bishop listed the requirements set forth for renewal of the permit: One required item is a report from the Utah Division of Wildlife Resources that the facility and the keeping of the animal(s) are in compliance with all Federal and State requirements. Mr. Dix stated that he has a Certificate of Registration (COR) from the Division of Wildlife Resources for the animals at the facility. Chairman Bishop noted a report from a qualified veterinarian that the animal(s) at the Premises are being properly cared for is a requirement, as well as any and all documents necessary to maintain or continue a licensure of the Applicant that had been submitted to any government agency since the last issuance of a Conditional Use Permit by Delta City; updated copies of the Comprehensive Emergency Plan and Comprehensive Animal Shelter Management Plan and a report detailing any unintentional animal escapes and any injury or damage to person or property that had occurred since the last issuance of a Conditional Use Permit by Delta City.

Mr. Dix stated that his state licensing runs from year to year and application for renewal is made at the end of November. Right now, the state is taking two to three months to get permits issued. Commission Member Steven Pratt said he had talked to Sergeant Washburn from the Division of Wildlife Resources and later received an e-mail from the Sergeant. The content of the e-mail was: "Steve, this e-mail is a follow-up of our earlier conversation. The DWR will be seeking some sort of formal revocation of Mr. James Dix's certificates of registration that allow him to possess protected or prohibited wildlife. This is a civil administrative process. We are in the early stages of the paperwork for this process and Mr. Dix will be receiving formal notice of the hearing concerning his certificates of registration sometime in coming months."

Commission Member Rand Crafts MOVED to table discussion of this application to renew and amend the Conditional Use Permit for Mr. Dix until the items required for renewal, as outlined by Chairman Bishop, are provided to the Planning & Zoning Commission, and those items should be provided by the deadline for the December 13, 2012 meeting. Commission Member Steven Pratt noted that the first requirement is a letter from the Division of Wildlife Resources that Mr. Dix is in good standing and this should not be a problem if he is in good standing. Commission Members instructed Mr. Dix to bring copies of his Certificates of Registration from the Division of Wildlife Resources. The motion was SECONDED by Commission Member Steven Pratt. Chairman Bishop asked if there were any other comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Steven Pratt, Linda Sorensen and Roger Zeeman voting in favor and no one voting against.

Chairman Bishop asked if there were any comments, questions, or other items to be discussed. There being none, Commission Member Roger Zeeman MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Linda Sorensen. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Steven Pratt, Linda Sorensen and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

Chairman Bishop declared the meeting adjourned at 8:25 p.m.

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VANCE BISHOP, Chairman

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Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED: P&Z 12-13-12